

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

DEMETRIUS DEMARCO SPENCER,

Case No. 22-CV-3195 (NEB/ECW)

Petitioner,

v.

ORDER ACCEPTING REPORT AND
RECOMMENDATION

WILLIAMS, Warden FCI,

Respondent.

The Court has received the March 7, 2023 Report and Recommendation of United States Magistrate Judge Elizabeth Cowan Wright. (ECF No. 4.) No party has objected to that Report and Recommendation, and the Court therefore reviews it for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (ECF No. 4) is ACCEPTED;
2. This action is DISMISSED WITHOUT PREJUDICE; and
3. Spencer's application to proceed *in forma pauperis* (ECF No. 3) is DENIED.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 10, 2023

BY THE COURT:

s/Nancy E. Brasel

Nancy E. Brasel

United States District Judge